

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:05-cr-00373-KJD-LRL

Plaintiff,

ORDER

v.

EMMA DAVIS,

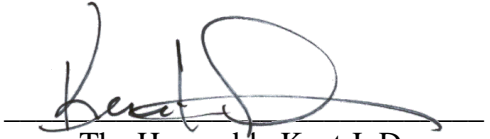
Defendant.

Presently before the Court is Defendant's Motion to Clarify the Amount and Current Status of Restitution (#167). The Government filed a Response (#168). The Government has clarified what monies Defendant owes based on her criminal judgment. However, Defendant also seeks a declaration from the court "[b]ased upon the totality of the circumstances" that Defendant should not owe any money in restitution and has no obligation to pay further restitution.

However, Defendant's position is an oversimplification of the facts. Defendant was ordered on June 27, 2007 (#142) to pay immediately restitution in the amount of \$11,609.87, a \$5,000.00 fine, and a \$300.00 mandatory penalty assessment. Interest began to accrue on the judgement fifteen days following the date of the judgment. To her credit, Defendant has paid \$13,048.79. The unopposed response of the Government clearly demonstrates that Defendant has paid off the principal balance of the restitution and the mandatory penalty assessment. However, Defendant still owes \$3,994.41 in restitution interest, \$5,000.00 fine principal, and \$3,140.07 in fine interest. To the extent that Defendant seeks to modify or vacate her remaining obligations, the Court finds that she has not met her burden of establishing a material change in her economic circumstances. See 18 U.S.C. § 3664(k). In fact, she has not provided the Court with any of the detailed financial information that would be required to support such a motion.

1           Accordingly, IT IS HEREBY ORDERED Defendant's Motion to Clarify the Amount and  
2           Current Status of Restitution (#167) is **DENIED**.

3           DATED this 4th day of December 2020.

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6           The Honorable Kent J. Dawson  
7           United States District Judge  
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